

**REMARKS**

Claims 1, 2, 5-11 and 16-18 are currently pending. Claims 3, 4 and 12-15 have been canceled. Claim 1 has been amended to add the claim terms of dependent claim 4 and intervening dependent claim 3. Claim 5 has been amended to depend from claim 1 instead of claim 4.

Applicants note the Examiner's statement that claims 4, 5, 9 and 10 are not supported in the prior art and are thus objected to as being dependent upon a rejected base claim.

**35 U.S.C. § 103**

Claims 1-3, 6-8 and 11-18 have been rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,589,576 ("Archer") in view of U.S. Patent No. 6,270,845 ("Duatti") for the same reasons as stated in the December 8, 2006 Office Action.

Amended claim 1 reads as follows:

1. (Original) A radioactive transition metal-imido hetero-diphosphine complex compound of formula (I):

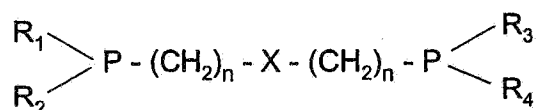


wherein:

Me is a radioactive transition metal selected from the group consisting of  $^{99\text{m}}\text{Tc}$ ,  $^{186}\text{Re}$ ,  $^{188}\text{Re}$ ;

R is selected from the group consisting of methyl, ethyl, propyl, isopropyl, butyl, isobutyl, octyl, decyl, dodecyl, propenyl, butenyl, pentenyl, phenyl, benzyl, tolyl, 4-methoxy-benzyl, 4-ethoxy-benzyl, and salicyl, wherein R is substituted with a biologically active substance, said substance being a catecholamine selected from the group consisting of dopamine, L-DOPA, 3-hydroxytyramine, optionally conjugated, via peptide bond, to another biologically active substance selected from the group consisting of sugars, amino acids, fatty acids, vitamins, hormones, peptides, and catecholamines

$\text{L}^1$  is a tridentate hetero-diphosphine ligand of formula (II):



(II).

wherein:

$R^1$ ,  $R^2$ ,  $R^3$  and  $R^4$ , which may be the same or different, have the same meanings as R;

X is oxygen, sulphur,  $NR^5$ , wherein  $R^5$  is hydrogen or R;

n is an integer ranging from 1 to 5;

$L^2$  is a bidentate ligand, which comprises a combination of two donor atoms, selected from the group consisting of oxygen, sulphur and nitrogen, said atoms being preferably negatively charged and being separated by a spacer of 2 to 4 members, said spacer being an aliphatic chain or part of an aromatic ring,  $L^2$  being optionally conjugated to a biologically active substance as above defined;  $Z^-$  is a mononegative counter-ion selected from the group consisting of  $Cl^-$ ,  $Br^-$ ,  $OH^-$ ,  $ClO_4^-$ ,  $EtO^-$ , tetrafluoroborate.

Solely to speed prosecution, Applicants have hereinabove amended claim 1 to include the claim terms of dependent claim 4 and the intervening dependent claim 3. Applicants note that the Examiner deemed claim 4, among others noted above, to be “not supported in the prior art.”

Applicants therefore maintain that, as amended, claim 1 is not obvious over Archer in view of Duatti.<sup>1</sup> Furthermore, because claims 2, 5-11 and 16-18 all depend from claim 1, they are also not obvious over Archer in view of Duatti.

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<sup>1</sup> Applicants reserve the right to present claim 1, as it read prior to this amendment, as well as any canceled claims, in any continuing or divisional application and to present arguments with respect to their patentability at that time.

For the abovementioned reasons, applicants believe that the amendments to claims 1 and 5 place the presently pending claims in condition for allowance, or at least in better condition for appeal, and therefore respectfully request that the claim amendments be entered.

Applicants submit that they have addressed all outstanding rejections and maintain that the presently pending claims are in condition for allowance. Applicants respectfully request the speedy issuance of a notice of allowability.

### CONCLUSION

If a telephone interview would be of assistance in the prosecution of this application, the Examiner is invited to telephone Applicants' undersigned attorneys at his convenience at the number provided below.

No fees are believed due in connection with the filing of this *Amendment and Response to Final Office Action*. However, the Director is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 50-0540.

Respectfully submitted,

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